

Remarks

The Examiner has imposed a Restriction Requirement for the presently pending claims under 35 U.S.C. 121 dividing the claims into Groups I, II and III.

Applicant elects the claims of Group I, that is claims 1 to 14, with traverse.

Each of the pending claims 1 to 30 relate to methods for administering a Clostridial neurotoxin to a subject. The claims of Group I are directed to the administration of a Clostridial neurotoxin protein, and the claims of Groups II and III are directed to the administration of a Clostridial neurotoxin DNA. Each of the present claims is thus closely related such that a search of one group of claims would necessarily include or encompass a search for the other two groups of claims.

Therefore, applicant requests that the restriction requirement be reconsidered and withdrawn.

The Examiner requires applicant to elect a single Clostridial toxin. Applicant elects claims relating to botulinum toxin serotype type A with traverse.

Applicant submits that if patentability is indicated for botulinum toxin type A, the Examiner should also allow claims directed to the other toxin serotypes (B to G) because it is well known that "The botulinum toxins comprise a family of pharmacologically similar toxins that block acetylcholine release from peripheral nerves and cause a flaccid paralysis. All of the serotypes of toxin can poison humans and other animals...". Page 81, left hand side of Schantz, E.J., et al, *Properties and use of Botulinum toxin and Other Microbial Neurotoxins in Medicine*, Microbiol Rev. 56;80-99:1992 (copy included).

The Examiner requires applicant to select one specific disease to be treated. Applicant elects claims relating to skin wrinkles and brow furrows with traverse.

Treating a disease or condition by administering a Clostridial neurotoxin protein or DNA to a subject by needless injection may be done by a process which is similar for each of the diseases or conditions recited in the claims. Thus, applicant requests that the requirement for an election of a single disease (or condition) be reconsidered and withdrawn.

Applicant requests favorable action in the above-identified case. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

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Respectfully submitted,



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